



**FOLEY  
HOAG** LLP  
ATTORNEYS AT LAW

RECEIVED  
CENTRAL FAX CENTER

AUG 27 2004

**Fax**

Date: August 27, 2004

To: U.S. Patent and Trademark Office Fax #: 703-872-9306 Confirm#:

Client Matter#: 22254-801 (TXY-008.01)

From: Theresa C. Kavanaugh Sender's Number: 1746 User #: 3607  
Total Pages Sent (Including Cover Sheet): 10 Office: Boston

**Message**

Re: U.S. Patent Application Serial No. 09/932,210  
Filed: August 17, 2001  
Inventor: Gross et al.  
Title: Optical Probes and Methods for Spectral Analysis  
Our Ref.: TXY-008.01 (22254-801)

Transmitted herewith are the following documents:

Response Under 37 CFR § 1.113 (9 pgs); and  
This fax cover sheet.

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

BOSTON / 155 Seaport Boulevard / Boston, Massachusetts 02210-2600 / TEL: 617.832.1000 / FAX: 617.832.7000  
WASHINGTON, DC / 1747 Pennsylvania Ave., NW / Suite 1200 / Washington, DC 20006-4604 / TEL: 202.223.1200 / FAX: 202.785.6887  
Foley Hoag LLP [www.foleyhoag.com](http://www.foleyhoag.com)

RECEIVED  
CENTRAL FAX CENTER  
AUG 27 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gross et al

Serial No: 09/932,210

Filed: August 17, 2001

For: *Optical Probes and Methods for Spectral Analysis*

Examiner: Evans, F.

Art Unit: 2877

Attorney Docket No. TXY-008.01

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Fax No. (703) 872-9306 on August 27, 2004.

*Patricia Henderson*  
Patricia Henderson

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR §1.113

This Response is being filed in response to the outstanding Office Action, mailed May 5, 2004, and the Advisory Action, mailed August 6, 2004 in connection with the above-identified application. Applicants submit the following remarks in this Response.

Please amend the claims follows:

FHBoston/1099789.1